LIQUOR CONTROL AND LICENSING BRANCH

The Role of Local Government in Liquor Licensing

PROVINCE OF BRITISH COLUMBIA

MINISTRY OF LABOUR AND CONSUMER SERVICES

April 1990

Prepared by
The Cumorah Group
for
The Liquor Control and Licensing Branch
Ministry of Labour and Consumer Services

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THE ROLE OF LOCAL GOVERNMENT IN LIQUOR LICENSING APRIL, 1990

I. Introduction

The purpose of this document is to outline to B.C. municipalities and regional districts their role in the liquor licensing process, the new procedures required and the new administrative bodies in place to administer liquor licensing.

Local governments have been involved in the liquor licensing process for a number of years. Effective September 1, 1989, the Joint Committee, consisting of members from the Union of B.C. Municipalities and the Liquor Control and Licensing Branch, recommended that local government should assume some responsibility for "local issues" in liquor licensing such as evaluating proposed sites for traffic impact, parking and proximity to highways, schools and churches. The purpose of this recommendation was to prevent duplication of effort by Branch and local government staff.

Most recently, the role of local governments has evolved to where they determine the views of local residents on licence applications located in predominantly residential neighbourhoods. This policy change came into effect November 17, 1989, as announced by the Minister of Labour and Consumer Services. Because local governments are in the best position to determine the most appropriate method for obtaining local input and in order to reduce potential duplication of the process, it was felt that the community and applicant would be better served through local determination of public input.

To meet this objective, the Liquor Control and Licensing Act Regulations have been amended to state that:

> *"Where, under Section 10(2) of the Act the General Manager wishes to consider the views of residents with respect to an application for a licence, he may direct the applicant to obtain from the council or board of the municipality or regional district in which the proposed establishment is to be located, a resolution stating whether or not the council or board considers that the residents are in favour of granting the licence." [Regulation 5 (3)]*

In addition to this legislation, two new provincial administrative bodies were established.

1. **The Liquor Licensing Committee** consists of a panel of three persons drawn from a list of senior officials from within the Ministry of Labour and Consumer Services. Members are appointed by the General Manager of the Liquor Control and Licensing Branch who will chair the committee and each panel will include at least one senior Ministry executive from outside the Branch.

   The Committee will hear all new liquor licence applications except for restaurants and will also hear other significant or contentious licence amendments, restrictions, suspensions or cancellations.

2. **The Liquor Appeal Board** consists of a chairman, a vice-chairman and eight to twelve members. The Board hears appeals in panels of either one (1) or three (3) members as the chairman considers advisable.

   The Appeal Board hears appeals against decisions of the Liquor Licensing Committee or General Manager of the Liquor Control and Licensing Branch respecting licence applications, amendments, restrictions, suspensions and cancellations, as well as the refusal to return seized liquor, and appeals concerning agents' licences and permits to purchase grain alcohol.

The Appeal Board also hears appeals against decisions of the General Manager of the Liquor Distribution Branch to delist or not to list products for sale in government liquor stores. The Appeal Board chairman and members are appointed by the Provincial Cabinet and the Appeal Board now hears appeals previously heard by both the Commercial Appeals Commission and the Minister of Labour and Consumer Services.

To assist you in gaining a better understanding of the overall liquor licensing process in British Columbia, a "Summary Flowchart of the Liquor Licensing Process" has been included in Appendix A.
(Note: This liquor licensing process does not preclude or replace any local approvals, permits, etc, required for business start-up.)

Should you have any questions or require additional information regarding the information presented herein, please direct them to:

Manager of Licensing
Liquor Control and Licensing Branch
1019 Wharf Street
Victoria, B.C.
V8V 1X4

Phone (604) 387-1254
Fax (604) 387-9184

II. HOTELS, CLUBS, CABARETS, STADIUMS, ETC. ("A", "C" and "E" Licences)

"A", "C" and "E" licences are issued to "straight drinking" establishments other than neighbourhood and marine pubs, including but not limited to:

* hotels, resorts, clubs, recreational centres ("A" licences)
* cabarets ("C" licences)
* sports stadiums ("E" licences)

1.0 EXISTING POLICY

1.1. Applications for increased seating capacity, increased hours of operation or an expansion in entertainment for "A", "C" and "E" licensed establishments will not be approved by the Branch or the Liquor Licensing Committee until the applicant has obtained the written comments of the local government and police force with respect to their proposed application.

2.0 NEW POLICY: ISSUANCE OF NEW LICENCES

2.1. There are now four (4) stages in the approval of an "A", "C" or "E" liquor licence: (See Appendix A)

a. Preliminary Site and Applicant Approval wherein suitability of the site and applicant eligibility is determined.

b. Pre-Clearance Approval granted after public notification by way of signage, newspaper advertisements or other methods employed has been undertaken by the applicant, and reviewed by the Liquor Licensing Committee or General Manager.

c. Plans Approval wherein the plans submitted by the applicant must comply with Branch requirements.

d. Final Approval when the licence is granted to an applicant after construction of the establishment complies with Branch standards, and when no other disqualifying event or fact has arisen.

2.2. New "A" and "C" licence applications will not be considered by the Branch until local government has stated its opinion by way of a council/board resolution. For "E" licence applications, local government approval is required by way of a council/board resolution.

The applicant must obtain a council/board resolution to include in their application to the Liquor Control and Licensing Branch. The application is not considered complete by the Branch until the resolution is received by the Branch.

2.3. Upon Preliminary Site and Applicant Approval by the Liquor Licensing Committee, the applicant is required to provide public notification of his intent to obtain a B.C. liquor licence.

The applicant is required by the Liquor Licensing Committee to post a 4' x 8' "Notice of Intent" sign on the proposed site for 30 days commencing the same day as the first of 3 successive newspaper advertisements provide Notice of Intent to the public. (See Appendix B and C)

Public comments are directed to the Branch where they are reviewed, summarized and presented to the Liquor Licensing Committee when contentious issues are identified or to the General Manager when no contentious issues are noted. Then a Pre-Clearance decision is made.

2.4. Where, in rare circumstances, an application for an "A", "C" or "E" licence is located in a predominantly residential area and it is recognized by the Committee that the licence applied for could negatively impact the residents (for example a cabaret proposed in a residential neighbourhood) the applicant may not be required by the Branch to provide public notice.

Rather, upon preliminary site and applicant approval the applicant may be directed to obtain a second local government resolution stating whether the Council or Board considers that the residents are in favour of the licence being granted.
(See Section V: Determining Community Opinion)

III. LICENSEE RETAIL STORES ("G" LICENCES)

There are four types of Retail Stores:

1. Licensee Retail Store (LRS) authorized by the Liquor Control and Licensing Branch ("G" Licence)

2. Liquor Distribution Branch (LDB) store

3. Agency Wine Store and Retail Outlet at product manufacturing sites authorized by the LDB

4. Rural Agency Store authorized by the LDB

In addition, retail "Off-Sales" are permitted from pubs or hotels operating under an "A", "D" or "F" liquor licence when so endorsed.

1.0 EXISTING POLICIES

1.1. Liquor Distribution Branch Stores

The Liquor Distribution Branch advises local government of any plans to relocate or open an outlet. Liquor Distribution Branch representatives meet with local government representatives (usually the Mayor) for any comment on the options. Community development plans are a consideration in choosing store sites.

1.2. Agency Wine Stores and Retail Outlets at Product Manufacturing Sites

The Liquor Distribution Branch requires a letter from the local government council or board stating that the site is appropriately zoned and that council has no objection to the site under consideration. Agency Wine Stores approvals are presently frozen while a new wine store model is being reviewed.

1.3. Rural Agency Stores

Generally, these are located in small (unincorporated) communities. The Liquor Distribution Branch will not accept any actual application for rural agency stores until the suitability of the proposed location is assessed and community interest is canvassed.

The Liquor Distribution Branch obtains community opinion by placing ads in the local paper, posters at the proposed location, and requesting the opinion of the relevant regional district and other known interest groups. If community support is suggested, then the Liquor Distribution Branch will consider individual applications for the agency store.

1.4. Off-Sales

The Liquor Control and Licensing Branch requires local governments to submit a resolution stating their opinion on new applications for Off-Sales. Additionally, the views of the local police department are requested. Off-Sales continue to be restricted to an 11:00 p.m. closing province-wide.

2.0 NEW POLICY: LICENSEE RETAIL STORE ("G" LICENCE)

2.1. There are now four (4) stages in the approval of a Licensee Retail Store ("G" Licence): (See Appendix A)

a. Preliminary Site and Applicant Approval wherein suitability of the site and applicant eligibility is determined.

b. Pre-Clearance Approval granted after public notification by way of signage, newspaper advertisements or other methods employed has been undertaken by the applicant, and reviewed by the Liquor Licensing Committee or General Manager.

c. Plans Approval, wherein the plans submitted by the applicant must comply with Branch requirements.

d. Final Approval when the licence is granted to an applicant after construction of the establishment complies with Branch standards and when no other disqualifying event or fact has arisen.

2.2. New "G" licence applications for Licensee Retail Stores will not be considered by the Branch until local government has stated its opinion by way of a council/board resolution.

The applicant will obtain a council/board resolution to include in their application to the Liquor Control and Licensing Branch. The application is not considered complete until the resolution is received by the Branch.

2.3. Upon Preliminary Site and Applicant Approval of the application by the Liquor Licensing Committee, the applicant is required to provide public notification of his intent to obtain a B.C. liquor licence.

The applicant is required by the Liquor Licensing Committee to post a 4' x 8' "Notice of Intent" sign on the proposed site for 30 days commencing the same day as the first of 3 successive newspaper advertisements provide "Notice of Intent" to the public. (See Appendix B and C) Public comments are directed to the Branch where they are reviewed, summarized and presented to the Liquor Licensing Committee when contentious issues are identified or to the General Manager when no contentious issues are noted. Then a Pre-Clearance decision is made.

2.4. Where, in rare circumstances, an application for a "G" licence is located in a predominantly residential area and it is recognized by the Committee that the licence applied for could negatively impact the residents, the applicant may not be required by the Branch to provide public notice.

Rather, upon preliminary site and applicant approval the applicant may be directed to obtain a second local government resolution stating whether the Council or Board considers that the residents are in favour of the licence being granted.
(See Section V: Determining Community Opinion)

IV. NEIGHBOURHOOD PUB ("D" LICENCE) AND MARINE PUB ("F" LICENCE)

1.0 NEW POLICY

There are now four (4) stages in the approval of a "D" or "F" liquor licence:

1.1 Preliminary Site and Applicant Approval

1.1.1. In order to apply for a B.C. Liquor Licence the applicant must complete the B.C. Liquor Licence Application Form and submit the required documentation including:

- Letter of Intent providing details on the concept and nature of the proposed premise
- Legal documentation of Corporation/Partnership
- Consent for Criminal Record Search
- Proof of Ownership (Title, Purchase Option, or Lease)
- Application Fee

1.1.2. Upon receipt of all of the above information the Branch reviews the application and considers the following:

a) The applicant's fitness to hold a B.C. liquor licence

b) The community need for the establishment; factors considered include population growth, the existence (or lack) of other establishments serving the same clientele, economic growth, public interest, etc.

c) The proposed location's compliance with Branch policy and legislation: i.e. for a neighbourhood pub ensure that the proposal is in a neighbourhood as opposed to a rural or industrial area and consider whether the proposed location is within 1 mile of another licensed neighbourhood pub or licensed hotel, and for a marine pub, ensure that the proposal meets the Branch's requirements for moorage and other marine-oriented services.

A recommendation is prepared by Branch staff for consideration by the Liquor Licensing Committee, who grants or rejects Preliminary Site and Applicant Approval.

1.2. Pre-Clearance Approval

1.2.1. Upon receipt of Preliminary Site and Applicant Approval, the applicant then approaches the appropriate municipality or regional district and requests that the local government pass a resolution regarding the applicant's intention to establish a licensed facility at that site.

1.2.2. The local government assesses the applicant's proposal considering the following:

- Proximity of the establishment to other social facilities and public buildings (schools, churches, etc.)
- Traffic, road access and availability of parking.
- Noise and appearance of the establishment
- Any other local issue that local government considers relevant
- Whether or not the residents are in favour of the licence being granted.

(See Section V: Determining Community Opinion, page 14)

1.2.3. After consideration of the above factors, the local government passes a resolution stating whether or not it considers that the residents are in favour of the licence being granted and giving its detailed views of the proposed location categorized under each of the factors noted in 1.2.2. above. Further, the resolution can specify any terms or conditions that council/board would recommend be part of the liquor licence should it be approved. (See Appendix F)

1.2.4. The local government resolution is forwarded to the applicant who then submits it to the Liquor Licensing Committee for review.

1.2.5. Upon approval by the Liquor Licensing Committee, the applicant would receive written Pre-Clearance Approval advising the applicant to provide detailed plans of the proposed establishment.

1.3. Plans Approval

1.3.1. Upon completion of design, the applicant submits the plans to the local health and provincial fire authorities for their review and stamp of approval.

1.3.2. The applicant then forwards the plans to the Liquor Control and Licensing Branch wherein they are reviewed for compliance with Branch standards and policy, including:

- at least 12 and no more than 20 square feet per drinking seat (up to 65 seat maximum)

- that drinking areas be in the line-of-sight of bar staff.

- any outdoor patio does not exceed 400 square feet.

1.3.3. The Branch may approve the plans with specifications or terms of construction.

1.4. Final Approval/Licence

1.4.1. At completion of the construction, the applicant requests a final inspection from the local Liquor Inspector.

1.4.2. Once final inspection is approved, (i.e. construction complies with Branch requirements), a liquor licence is forwarded to the applicant with copies to the local Inspector and Police/RCMP department.

V. DETERMINING COMMUNITY OPINION

1.0 STATUTORY AUTHORITY

The Liquor Control and Licensing Act states:

> *"A licence shall not be issued for an establishment unless, where the General Manager requires it, the General Manager has considered the views of those residents which may be in the form of a resolution of a municipal council or regional district board." [Section 10(2)(b)(i)]*

Under this section the General Manager may order that the views of residents (i.e. community opinion) be considered in granting any licence. To reiterate from page two, the Liquor Control and Licensing Act Regulations state:

> *"Where, under Section 10(2) of the Act the General Manager wishes to consider the views of residents with respect to an application for a licence, he may direct the applicant to obtain from the council or board of the municipality or regional district in which the proposed establishment is to be located, a resolution stating whether or not the council or board considers that the residents are in favour of granting the licence." [Regulation 5(3)]*

2.0 NEW POLICY (effective November 17, 1989)

2.1. When Community Opinion Is Required

A local government resolution stating whether or not the council or board considers whether the residents are in favour of granting the liquor licence is required:

a) For all new neighbourhood and marine pub applications. (Marine pub applications may be exempted from this requirement in exceptional circumstances.)

b) In rare circumstances where "A" (hotels, clubs and recreational centres, etc.), "C" (cabarets) ,"E" (sports stadiums) and "G" (Licensee Retail Stores) are located in predominantly residential areas, and it is recognized by the Liquor Licensing Committee that the type of licence for which the application has been made could negatively impact the residents.

c) Where the response to the public notification procedure described in Part II 2.3. or Part III 2.3 is such that the Liquor Licensing Committee believes that the views of the residents should be considered by the local government.

d) At the discretion of the General Manager and after consultation with the appropriate local government, for significant changes to a licence (such as extended hours of operation, increased seating capacity and changes in the type or hours of entertainment permitted).

2.2. Possible Methods for Determining Community Opinion

Local governments are free to determine the appropriate method for obtaining community opinion on licence applications. The methods may vary according to the specific needs of each community. However, **the objective of the public input exercise is to identify, by way of resolution, whether council considers the public to be in support of or against the licensing of a liquor establishment at the subject property.**

There are many types of public input methods that may be employed by local governments. Some examples are:

-Property Signs
-Newspaper Ads
-Public Hearing
-Mail (Card) Survey
-Referendum
-Mall Surveys
-Phone Surveys
-Public Petition

The first two types are currently utilized by the Liquor Control and Licensing Branch during the licensing process for most "A", "C", "E" and "G" licences after Preliminary Site and Applicant Approval has been granted.

The purpose of the signs and newspaper ads is to inform local residents of the proposed establishment including the type of licence for which application has been made, the proposed hours of operation and the type of liquor to be sold as well as to provide a name and address to which the residents may forward their opinion.

Local governments may decide to use these 2 methods, combine them with others or use an entirely different method of public input.

3.0 ADVISORY ROLE OF THE LIQUOR CONTROL AND LICENSING BRANCH IN DETERMINING PUBLIC OPINION

The Liquor Control and Licensing Branch has a mandated role in determining public opinion through property signage and newspaper advertising requirements for "A", "C", "E" and "G" licences. For "D" and "F" licences and in exceptional "A", "C", "E" and "G" cases, the local government now has the responsibility of determining public opinion regarding the licensing of establishments.

Liquor Control and Licensing Branch staff still offer assistance and/or advice to local governments concerning methods for obtaining public input. Advice may include question design, how to select a referendum company, auditing of referendum results, timing of a referendum, etc. Any questions should be directed to:

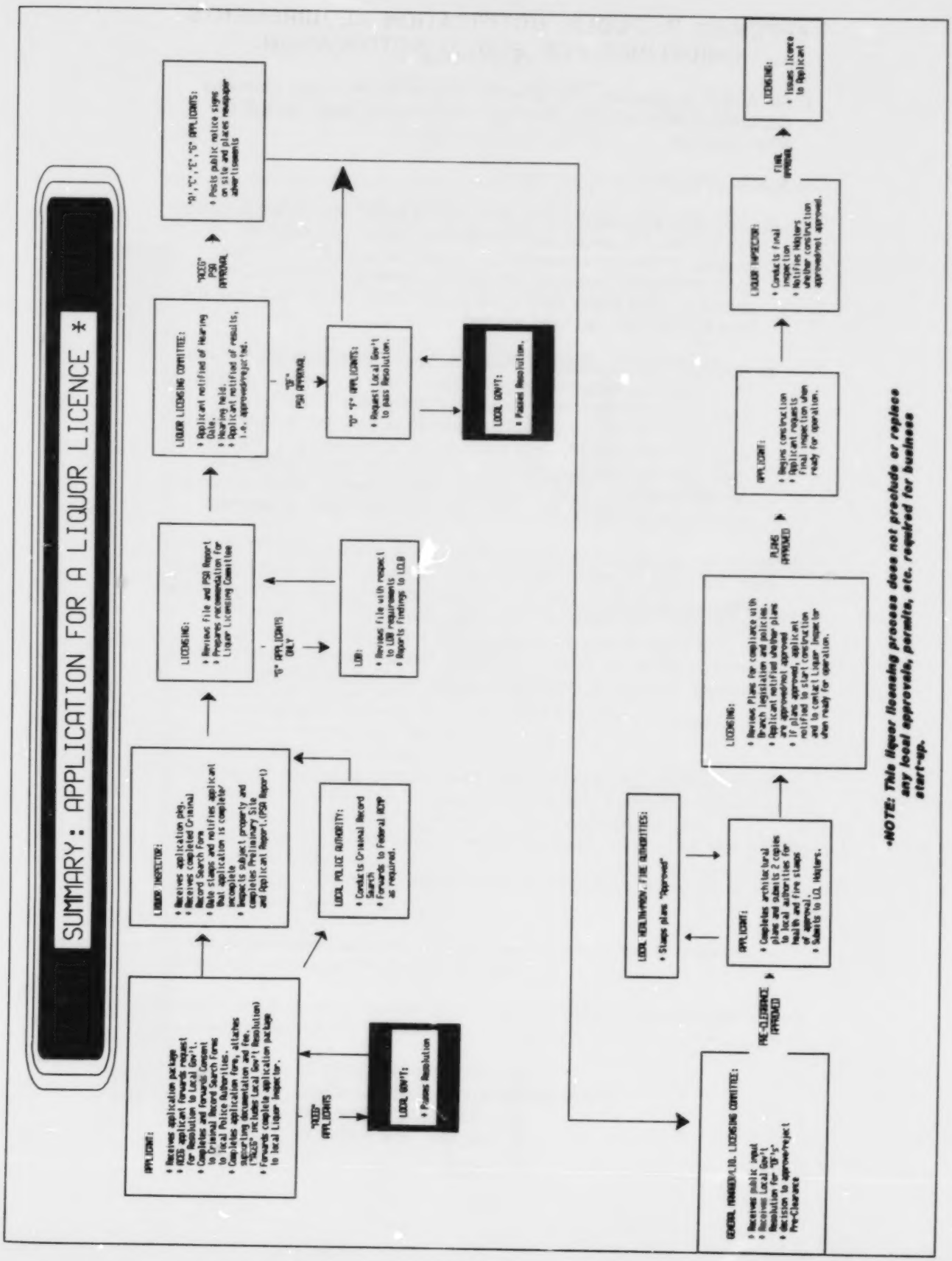
Manager of Licensing
Liquor Control and Licensing Branch
1019 Wharf Street
Victoria, B.C.
V8V 1X4

Phone (604) 387-1254
Fax (604) 387-9184

APPENDICES

March 1990

APPENDIX A: SUMMARY FLOW CHART OF LIQUOR LICENSING PROCESS


SUMMARY: APPLICATION FOR A LIQUOR LICENCE *
APPLICANT:
• Receives application package
• "RED" applicant forwards request for Resolution to Local Gov't.
• Completes and forwards Consent to Criminal Record Search Forms to local Police Authorities.
• Completes application form, attaches supporting documentation and fee. ("RED" includes Local Gov't Resolution)
• Forwards complete application package to Local Liquor Inspector.
"RED" APPLICANTS
LOCAL GOV'T:
• Passes Resolution
LIQUOR INSPECTOR:
• Receives application pkg.
• Receives completed Criminal Record Search Form
• Date stamps and notifies applicant that application is complete/ incomplete
• Inspects subject property and completes Preliminary Site and Applicant Report.(PSR Report)
LOCAL POLICE AUTHORITY:
• Conducts Criminal Record Search
• Forwards to Federal RCMP as required.
LICENSING:
• Reviews File and PSR Report
• Prepares recommendation for Liquor Licensing Committee
"G" APPLICANTS ONLY
LCB:
• Reviews file with respect to LCB requirements
• Reports findings to LCLB
LIQUOR LICENSING COMMITTEE:
• Applicant notified of Hearing Date.
• Hearing held.
• Applicant notified of results, i.e. approved/rejected.
"RED" PSR APPROVAL
"G" PSR APPROVAL
"G" "I" APPLICANTS:
• Request Local Gov't to pass Resolution.
LOCAL GOV'T:
• Passes Resolution.
"G", "C", "I", "D" APPLICANTS:
• Posts public notice signs on site and places newspaper advertisements
GENERAL MANAGER/LIQ. LICENSING COMMITTEE:
• Receives public input
• Receives Local Gov't Resolution for "D"'s"
• decision to approve/reject Pre-Clearance
PRE-CLEARANCE APPROVED
LCB REPRESENTATIVE, FIRE AUTHORITIES:
• Stamps plans "Approved"
APPLICANT:
• Completes architectural plans and submits 2 copies to local authorities for health and fire stamps of approval.
• Submits to LCL Helpers.
LICENSING:
• Reviews Plans for compliance with Branch legislation and policies.
• Applicant notified whether plans are approved/not approved
• If plans approved, applicant notified to start construction and to contact Liquor Inspector when ready for operation.
PLANS APPROVED
APPLICANT:
• Begins construction
• Applicant requests final inspection when ready for operation.
LIQUOR INSPECTOR:
• Conducts final inspection
• Notifies Helpers whether construction approved/not approved.
FINAL APPROVAL
LICENSING:
• Issues licence to Applicant
*NOTE: This liquor licensing process does not preclude or replace any local approvals, permits, etc. required for business start-up.

APPENDIX B: FUBLIC NOTIFICATION REQUIREMENTS
GUIDELINES FOR PUBLIC NOTIFICATION:

1. All "ACEG" applicants, when directed to do so by the Liquor Licensing Committee, must publicly advertise their intent to apply for a B.C. liquor licence.

2. Public notification is in two forms:

   a) Applicants must post a 4' by 8' Notice of Intent sign on the proposed site so that it is easily seen by passing traffic. The required wording is found in Appendix C. It must be posted for 30 days commencing the same day as the first newspaper advertisement. [See (b)] The expiry date to be entered must be 30 days from the date that the sign has been erected.

   b) Applicants must publish a Notice of Intent advertisement in three (3) successive local newspaper editions over a period of 30 days. Each advertisement must be a minimum size of 3 1/2" x 3 1/2". The third and last advertisement published must be no later than 7 days before the expiry date noted in the advertisement. The expiry date must be a minimum of 30 days from the date that the first advertisement has been published. The content of the advertisement is the same as the content of the public notice signs, as attached.

3. When the applicant is ready to publish the first advertisement and erect the signs on the subject property, he must notify the local Liquor Inspector to arrange a date for the inspector to view and photograph the erected sign. The applicant must also provide the Liquor Inspector with a full page of each newspaper edition that ran the newspaper advertisement of his "Notice of Intent". These 3 advertisements may be forwarded together at completion of the required advertising.

APPENDIX C
NOTICE OF INTENT:
APPLICATION FOR "__" CLASS LICENSED ESTABLISHMENT

The undersigned has applied pursuant to the provisions of the Liquor Control and Licensing Act, to the General Manager, Liquor Control and Licensing Branch, Victoria, B.C. for a "___" licence to operate a licensed establishment situated at:

_____

(Type of Establishment)

_____

(Full Description of Site Including Street or Legal Address)

_____

(Name of Applicant)

The above type of licence permits:

(Licensing Committee Secretary to "black out" categories that <u>do not</u> apply.)

1. The service of:
   a) all types of liquor for on-premise consumption as approved by the General Manager.
   b) beer, cider and coolers in plastic, paper or styrofoam containers for on-premise consumption.

2. The hours of sale are:
   a) any 14 continuous hours between 9:00 a.m. and 2:00 a.m. Monday to Saturday and between 11:00 a.m. and 12:00 midnight Sunday
   b) 7:00 p.m. to 2:00 a.m. Monday through Saturday and 7:00 p.m. to 12:00 midnight on Sunday
   c) any 14 continuous hours between 9:00 a.m. and 12:00 midnight Monday through Saturday, with the possibility of 1 hour extensions Friday and Saturday and between 11:00 a.m. to 12:00 midnight Sunday.
   d) as determined by the General Manager but generally for the time that the event is taking place.
   e) 9:00 a.m. to 11:00 p.m. Monday through Saturday and 11:00 a.m. to 11:00 p.m. on Sunday.

3. Sales of packaged beer,wine, cider and coolers for off-premise consumption where so endorsed by the General Manager.

Residents and businesses located within a 1/2 mile radius of the proposed site are requested to register any comments by writing before _____19_____to:

GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH
PARLIAMENT BUILDINGS
VICTORIA, B.C. V8V 1X4

APPENDIX D:
SAMPLE MUNICIPAL RESOLUTION OUTLINE FOR
"A" (Hotels, Resorts, Clubs, Recreational Centres)
"C" (Cabarets) and
"G" (Licensee Retail Stores)
Applicants

Mr. John Doe
1111 First Street
Victoriaville, B.C.
V1V V1V

_____, 19__

Dear Mr. Doe:

RE: Application for a (*type of Liquor Licence*) at:

_____
(*address of proposed establishment)*

At the *(council/board)* meeting held on *(date)* the *(council/board)* passed the following resolution with respect to the application for the above-named liquor licence:

> "Be it resolved that (*council/board*) (*has no objections/objects*) to the licensing of a (*licence type*) proposed by (*applicant name*) at (*location*)."

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (*council/board*) of (*name*) on (*date*).

Sincerely,

_____
City Clerk/Secretary to the Board
(Municipality/Regional District)

cc. General Manager, Liquor Control and Licensing Branch

NOTE: The City Clerk/Secretary to the Board may attach to the resolution letter any report or recommendations presented to the council/board by an advisory body or sub-committee.

APPENDIX E:
SAMPLE MUNICIPAL RESOLUTION OUTLINE
FOR "E" (STADIUM) APPLICANTS

Mr. John Doe
1111 First Street
Victoriaville, *B.C.*
V1V V1V

_____, 19__

Dear Mr. Doe:

RE: Application for an "E" Class (Stadium) Liquor Licence at:

_____
(address of proposed establishment)

At the *(council/board)* meeting held on *(date)* the *(council/board)* passed the following resolution with respect to the application for the above-named liquor licence:

> "Be it resolved that (*council/board*) (*approves/does not approve*) the licensing of an "E" Class (Stadium) liquor licence proposed by (*applicant name*) at (*location*)."

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (*council/board*) of (*name*) on (*date*).

Sincerely,

_____
City Clerk/Secretary to the Board
Municipality/Regional District

cc. General Manager, Liquor Control and Licensing Branch

NOTE: The City Clerk/Secretary to the Board may attach to the resolution letter any report or recommendations presented to the council/board by an advisory body or sub-committee.

APPENDIX F:
SAMPLE MUNICIPAL RESOLUTION OUTLINE FOR "D" (NEIGHBOURHOOD PUB) AND "F" (MARINE PUB) APPLICANTS

Mr. John Doe
1111 First Street
Victoriaville, *B.C.*
V1V V1V

_____, 19__

Dear Mr. Doe:

RE: Application for an "(*licence type*)" Class Liquor Licence at:

_____
(*address of proposed establishment)*

At the *(council/board)* meeting held on *(date)* the *(council/board)* passed the following resolution with respect to the application for the above-named liquor licence:

"Be it resolved that:

1. The (*council/board*) considers the residents to (*be in favour/not be in favour*) of the licence being granted.

2. The (council's/board's) views on the proposed location are as follows:

   (a) Proximity of the establishment to other social facilities and public buildings
   (detail and explain council/board views)

   (b) Traffic, road access and availability of parking
   (detail and explain council/board views)

   (c) Noise and appearance of the establishment
   (detail and explain council/board views)

   (d) Local issues
   (detail and explain council/board views)

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (*council/board*) of (*name*) on (*date).*

Sincerely,

_____
City Clerk/Secretary to the Board
Municipality/Regional District

cc. General Manager, Liquor Control and Licensing Branch

NOTE:

1. **All of the factors outlined above in 1 and 2(a) through 2(d) must be addressed in the local government resolution, in order for the resolution to comply with Sections 5.2(3) and 5(3) of the Liquor Control and Licensing Act Regulations.**

2. **The Resolution can specify any terms or conditions that the council/board would recommend be part of the liquor licence.**

3. **The City Clerk/Secretary to the Board may attach to the resolution letter any report or recommendations presented to the council/board by an advisory body or sub-committee.**

APPENDIX G: QUESTIONS AND ANSWERS

Q1. What is the difference between "Preliminary Site and Applicant Approval" and "Pre-Clearance Approval"?

Preliminary Site and Applicant Approval is granted by the General Manager after the suitability of the site and eligibility of the applicant have been determined to be acceptable.

It is only after this Preliminary Site and Applicant Approval that the views of local residents and businesses are solicited, considered and a decision made to grant the second approval - Pre-Clearance Approval.

The process that leads to Pre-Clearance Approval is designed to allow businesses and residents who may be impacted by the licence, an opportunity to have their views considered by the General Manager before Pre-Clearance Approval is granted.

In short, Preliminary Site and Applicant Approval does not consider public input. Pre-Clearance Approval does.

Q2. When is the local government notified of an application?

If the application is for an "A", "C", "E" or "G" licence, the applicant must obtain a local government resolution in order to have a complete application. The applicant would therefore notify the local government very early in the licensing process.

Where the application is for a "D" or "F" licence, the applicant will be directed by the Liquor Licensing Committee to obtain a local government resolution, only after Preliminary Site and Applicant Approval is granted. The Liquor Licensing Committee provides the local government with a copy of their letter to an applicant outlining the areas considered by the Committee and reasons for the preliminary site and applicant approval/refusal decisions.

Q3. Is local government required to do a referendum?

No. Local governments are free to choose the method of obtaining community opinion, and may vary the methods to suit their specific needs.

Q4. What happens if a council/board refuses to pass a resolution relative to an application for a Liquor Licence?

For an "A","C","E", or "G" licence application, this action will mean that an individual wishing to apply for a liquor licence will not be able to assemble a complete application as required by Branch policy. For a "D" or "F" licence application with Preliminary Site and Applicant Approval , this would ultimately result in cancellation of the approval as the applicant would be unable to obtain the local government resolution required under Section 5.2(3) of the Liquor Control and Licensing Act Regulations.

Q5. Is the local government required to contact the Liquor Control and Licensing Branch at any time?

NO. It is the applicant's responsibility to contact the Liquor Control and Licensing Branch throughout the duration of the application process. However, the local government may, at any time during this process contact the Branch with questions or concerns regarding the application.